



New Jersey School Boards Association

# Ethics for School Officials

Presented by:

NJSBA Field Services Representatives

Includes updates from Advisory Opinions through October 2017

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## School Ethics Act (effective April 1992)

It is essential that the conduct of members of local boards of education and local administrators hold the **respect** and **confidence** of the people.

These board members and administrators must **avoid conduct** which is in **violation of their public trust** or which creates a **justifiable impression** among the public that such trust is being violated.

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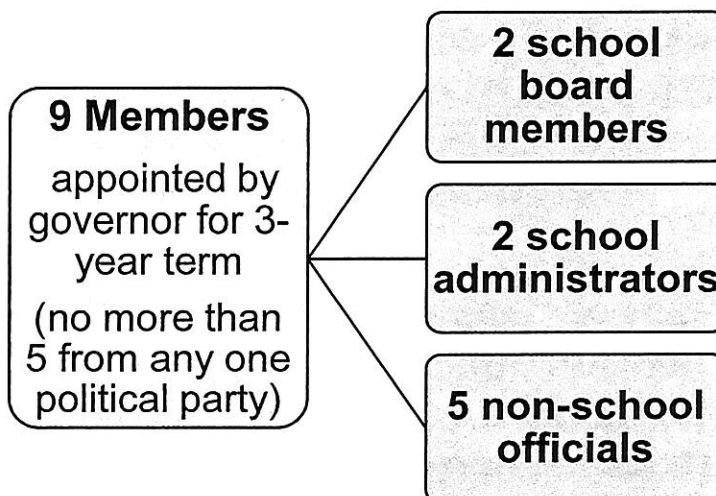
## The Act established:

- School Ethics Commission
- Code of Ethics (2001- 9 years later)
- Conflicts of Interest
- Disclosure Statements – employment and financial interests
- Training Requirements for board members

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## School Ethics Commission (SEC)



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## SEC Jurisdiction

### Advisory Opinions

A school official may request an advisory opinion to determine if any proposed activity or conduct by a school official would constitute a violation of the Act.

### Ethics Complaints

Acts upon complaints filed by anyone alleging a violation of the School Ethics Act or Code of Ethics took place.

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## Code of Ethics N.J.S.A. 18A:12-24.1

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

***Uphold and enforce all laws, state board rules and regulations, court orders and local board policy when making decisions.***

***DON'T bend the rules, ask others to bend the rules, or think that you can accomplish anything as an individual that compromises the legal guidelines established by the board.***

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## Code of Ethics (continued)

b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

***Make decisions in terms of the educational welfare of all children regardless of their ability, race, creed, sex, or social standing.***

***DON'T base your decisions on special interest agendas or on what is best for your own child.***

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## Code of Ethics (continued)

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

***DON'T become involved in the administration, organization or implementation of the policy and the goals. That's the role of the professional educators.***

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## Code of Ethics (continued)

d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

***Your responsibility is to work as a board to see that the schools are well run.***

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## Consider...

- A board member went directly to a guidance secretary and demanded copies of SAT reports.
- Board member sent letter to superintendent and board, complaining of CSA's treatment of his wife, a district employee.
- Board member sends "confidential memo" to other members criticizing a principal's performance.
- Board member homeschools his children and bases every decision on reducing spending.

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## Code of Ethics (continued)

e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

***Only the full board has the right to make decisions.***

***DON'T make personal promises nor take any private action which may compromise the board.***

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## Code of Ethics (continued)

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

***Make decisions based on district goals and policies.***

***DON'T be swayed by special interest or partisan political groups.***

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## Code of Ethics (continued)

g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

***Insist that the board keep the community informed on the progress and needs of the district. DON'T discuss confidential matters with anyone but the board.***

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## Consider ...

- A board member used her position to gain access to a forum (internship) for her son that was not afforded to other candidates who had to go through an application and vetting process.
- Board member put lawn sign up to "Vote No" during a school board member election.
- Board president unilaterally issued a RICE notice to the School Business Administrator.
- Board member recorded executive session discussion and disclosed it to her attorney.

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## Code of Ethics (continued)

h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

***Consider the recommendation of the CSA on all matters pertaining to education.***

***DON'T undermine a decision of the board. (18A:27-4.1)***

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## Code of Ethics (continued)

i. I will support and protect school personnel in proper performance of their duties.

***Support and protect school personnel in proper performance of their duties.***

***DON'T violate the chain of command or publicly criticize staff members.***

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## Code of Ethics (continued)

j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

***Refer all complaints to the superintendent.  
DON'T make any promises to "help" or act  
on citizen complaints until they reach the  
board level after failure of an administrative  
solution.***

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## Consider

- Board member sent letter to superintendent criticizing his performance and sent copy to the state board and county superintendent.
- Board member requested information directly from the Supervisor of Curriculum and Instruction and responded in a demeaning and harassing way when the information was not available.
- Board member went into school and took pictures of open windows, and debris in the bathroom and sent them to a reporter.

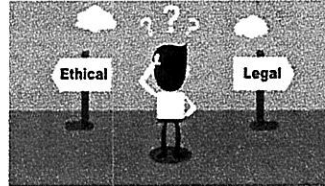
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## Conflicts of Interest

Conflicts of Interest review includes:

- When to recuse yourself
- Definitions
- Hiring
- Personnel Issues
- Collective Bargaining
- Use of Doctrine of Necessity



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## Conflicts of Interest- N.J.S.A.18A: 12-24

**Recuse yourself** if there is a benefit to **you** as a **school official** or your **immediate family**, due to a:

- Business interest
- Use of position to secure unwarranted privileges, advantages, or employment. (Extends to “others” which can include Nepotism policy definition of relative.)
- Financial involvement
- Gift, favor, etc. offered with the intent to influence
- Personal involvement that creates a benefit
- Service or employment that may prejudice independent judgment



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## Consider ...

- Board member used district email to solicit and receive campaign contributions from 3 school employees.
- Board member may serve as president of local PTA but cannot represent the PTA before the Board on any matter.
- Board member voted to reappoint his mother, a teacher in the district, and her supervisor (a principal).

**“Just because you can do something...  
doesn’t mean you should!”**

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## Immediate Family Member Definition

Accountability regulation definition of  
**Immediate Family Member** (N.J.A.C. 6A23A-1.2):

- spouse, civil union or domestic partner, dependent child
- residing in same household

In recent advisory opinions the SEC has adopted the regulatory definition of relative, which is more expansive than the statutory definition – spouse or dependent child residing in the same household.

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## Relative Definition

### Accountability Regulation Definition:

- Spouse/civil union or domestic partner
- Parent/stepparent • Grandparent, grandchild
- Child/stepchild and son/daughter-in-law
- Siblings, stepbrother/sister, half brother/sister
- Aunt/uncle, niece/nephew

**Whether related to individual or spouse/partner** by blood, marriage or adoption.

Recent opinions **expanded this definition** to include “**other**” such as **first cousin, co-habiting partner, ex-spouse**, etc.

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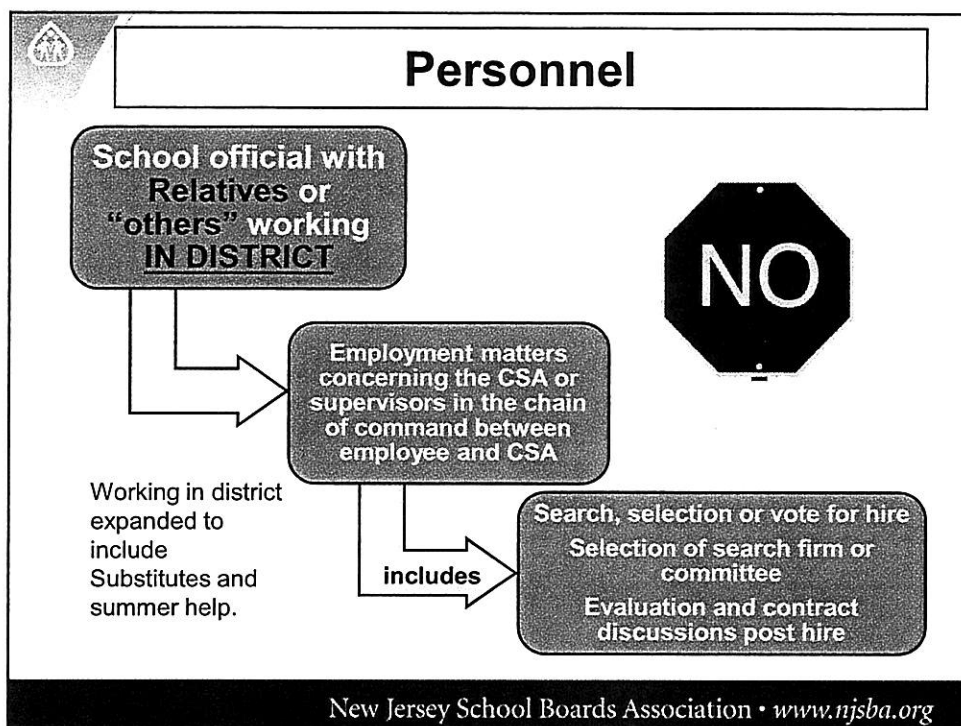


## Hiring/Nepotism Policy – N.J.A.C. 6A:23A- 6.2

- Districts may **not** hire a relative of a board member or chief school administrator (2008 - prior employees grandfathered). Board member must recuse from discussion and abstain from voting.
- CSA may **not** recommend to the board a relative of the board or CSA.
- A district administrator may **not** exercise direct or indirect authority over a relative of the administrator.

Note: There are **Exceptions** that apply

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**Collective Bargaining**  
A24-17

Relationship to Board Member	Current Member of a Statewide Public Teachers' Union	Participate in Negotiations Yes or No	Vote to Ratify the Contract Yes or no
Self Spouse Dependent Child Child (not dependent) Relative	Works in the District	No	No
Self Spouse Dependent Child	Works Out-of-District	No	Yes* **
Child (not dependent) Relative	Works Out-of-District	Yes*	Yes*

\* Absent another conflict

\*\* After Memorandum of Agreement, salary guides, total compensation package attained.

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## **Collective Bargaining Possible Other Conflicts**

- Board member's endorsement by the union in election immediately preceding negotiations.
- Supervised by employees in the unit
- Not in the unit, but terms of employment linked to unit.
- Immediate family member/relative has heightened union involvement.

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## **Doctrine of Necessity**

A19-17

- The Doctrine of Necessity is only to be invoked when the Board is required to vote on a matter requiring the majority vote of the full membership.
- Formation of a committee, even if only 1 member is eligible, does not warrant the Doctrine of Necessity because selection of committee members is not a matter required to be voted upon.
- Two non-conflicted members may obtain the assistance of CSA, B/A or consultant to help with negotiations

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## Volunteerism

Recent Advisory Opinions do not ban in-district volunteering but do place restrictions on contact with students, staff, and parents that is inconsistent with the role of a Board member.

### Acceptable:



- One-time, infrequent, non-executive in-district volunteer activities .
- Volunteer activities in outside organizations that are self-governing, wholly independent of board member's role and board of education oversight.

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## Volunteerism

Advisory Opinions A32-14, A10-15, A17-15 find the following Board member volunteer actions to be an **Ethics violation**:

- Supervision, management and direction of school personnel and funds
- Regular contact with students, parents and staff
- Active day-to-day presence
- Enmeshed in the building
- E.g. volunteer coaches, volunteer club advisors, volunteer playground aides



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## Interview Committees

**A31-15 Board member involvement in interviews for positions other than that of Superintendent is not encouraged.**

Exceptions in narrow circumstances subject to approval of the superintendent and the guidelines in A04-12.

**A04-12** One or two board members; administrative staff coordinates participation – observations and assessments; CSA recommendation.

**A15-10 – Exit Interviews – No!**

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## Points to Consider...

1. NJSBA recommends boards develop a **list of board members and administrators** who have a conflict and note the conflict area -i.e. Collective Bargaining; Personnel...
2. Consult with your Board attorney to identify conflicted members/ administrators.
3. Continue to check **School Board Notes** to keep abreast of newly released advisories.



NJSBA School  
Board Notes

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## FINAL SUMMARY

**School Ethics Act** outlines the  
**minimum expected (required)**  
**behavior** of school officials  
that will promote effective  
governance  
and  
public confidence.

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